

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRANDON A. COVIAL,

Plaintiff,

-v-

MARVIN FRANCILLON *et al.*,

Defendants.

24 Civ. 4817 (PAE)

ORDER OF DISMISSAL

PAUL A. ENGELMAYER, United States District Judge:

On April 24, 2024, plaintiff filed the complaint in this case. Dkt. 1. On June 25, 2024, the Court issued a standing order, directing plaintiff, proceeding *pro se*, to inform the court of each change in his address or electronic contact information. Dkt. 6. The Court has received notice from the United States Postal Service that several docket filings mailed to plaintiff have been returned unopened and unclaimed. *See* Dkt. entries dated 12/2/24, 12/6/24, 2/5/25. On January 22, 2025, Magistrate Judge Willis, to whom this case was referred for general pretrial supervision, ordered plaintiff to file a letter updating or correcting his address and to separately execute a Criminal Procedure Law § 160.50 release by February 21, 2025. Dkt. 26.

On March 31, 2025, the Court issued an order to show cause why this action should not be dismissed for failure to comply with the orders, pursuant to Rule 41 of the Federal Rules of Civil Procedure. Dkt. 28. On April 1, 2024, service of process was executed on plaintiff. *See* Dkt. entry dated 4/1/25. To date, plaintiff has failed to comply with the Court's standing order keeping it apprised of any new contact information, Judge Willis's order directing plaintiff to update his address and execute the Criminal Procedure Law § 160.50 release, and the Court's March 31, 2025 order to show cause. Plaintiff has not otherwise taken any action to make any progress in this case since the Court's order to show cause.

Accordingly, under Federal Rule of Civil Procedure 41(b) and the Court's inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case, without prejudice, for the plaintiff's failure to prosecute.

The Clerk of Court is respectfully directed to close this case and to mail this order to Plaintiff.

SO ORDERED.

Dated: May 5, 2025  
New York, New York

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in dark ink.

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PAUL A. ENGELMAYER  
United States District Judge